

REMARKS

Applicant acknowledges the Examiner's careful review of this application.

Applicant does, however, respectfully request reconsideration and allowance.

Applicant respectfully directs the Examiner's attention to the Information Disclosure Statement filed May 12, 2003. Applicant requests the Examiner to acknowledge consideration of the disclosed information.

Claims 1 and 18 respectively include language from former claims 24 and 25. The editorial insertion "of" in claim 18 has no effect on claim scope. Amended claim 21 corrects a noun to plural terminology in view of plural terminology elsewhere in the claim as previously presented. Claims 1 and 18 also include language from claims 24 and 25, which will be canceled without prejudice upon entry of this Amendment..

The Amendment does not raises a new issue, does not present new matter and does not increase the total number of claims. Applicant therefore earnestly but respectfully, requests the Examiner to enter this Amendment.

Applicant respectfully directs the Examiner's attention to the specification, page 25, Table 2. The vacant cell for maximum difference in Comparative Example 4 can be completed with the number "1.250," which is automatically obtained by a simple arithmetic calculation, viz., subtracting the smallest thickness of "1.022" from the largest thickness of "2.272. The Applicants would be pleased to submit a replacement Table upon request from the Examiner.

Applicant respectfully requests the Examiner to reconsider and withdraw the common law double patenting rejection of claims 1, 2, 5, 8-10, 17, 21 and 22. It is not seen where there is a *prima facie* case for stating any of claims 1-4 of U.S. Patent No. 6,444,298 would have suggested the inventions claimed herein. It is not seen where there is a *prima facie* case for stating any of said claims 1-4, even if combined with a secondary reference - a questionable practice it would seem on the facts of this case - would have suggested any of the presently claimed inventions.

Applicant traverses all the rejections, including the rejection under 35 U.S.C. §103(a) of the claims listed over JP-55-034924 A (hereinafter, referred to as Toyooka) in view of WO 97/30117 (Tadokoro et al.) and Koizumi et al. (USP 6,309,739) or Toritani et al. (USP 5,169,903) (see, page 2, item 5 in the outstanding Office Action).

Since claims 1 and 18, as amended, incorporate the features of claims 24 and 25, both are patentable over Toyooka in view of Tadokoro et al. and Koizumi et al. (USP 6,309,739) or Toritani et al., regardless of whether or not the combination of references would or would not have been made by a person of ordinary skill in the art.

According to the Office Action, the Examiner apparently has opined that "it would have been obvious to one of ordinary skill in the art to utilize the decorative sheet taught by Tadokoro as the polyalkyl methacrylate printed film of the laminate taught in Toyooka because it maintains surface hardness, and is produced simply and inexpensively" (see, page 3, lines 13-16). This is relied upon for the rejection based on Toyooka in view of Tadokoro et al.

However, Applicant respectfully submits that such a utilization of the decorative sheet taught by Tadokoro as the polyalkyl methacrylate printed film of the laminate taught in Toyooka is rooted in the hindsight provided by the claimed invention. There is no teaching or motivation in Tadokoro and Toyooka to do what is asserted in the Office Action. There would have been no teaching or motivation for one of ordinary skill in the art to modify the sheet of Tadokoro or the laminate of Toyooka to the present invention. For example, in view of surface hardness as well as simplicity in production and cost, one of ordinary skill in the art would have had no reason to consider the laminated film resulting from the above-alleged utilization would be superior to the sheet of Tadokoro in itself. Also, in view of simplicity in production and cost, one of ordinary skill in the art would not have considered that such an alleged laminated film would be superior to the laminate of Toyooka. Thus, there would have been a strong disincentive to modify and/or combine the references in the manner proposed in the Office Action.

Moreover, a laminated extruded resin sheet of the present invention has advantages, such as smaller bias in thickness (see, specification, page 3, lines 11-25), which are unexpected from each of Takokoro or the laminate of Toyooka, or from the combination thereof. As disclosed in Examples 1-4 in Applicant's specification, the laminated extruded resin sheets of the present invention actually have a smaller bias in thickness in comparison to the laminated sheets of Comparative Examples 1-4. Specifically, each of the laminated extruded resin sheets using resin layer (A) recited in claim 1 and 18 as an intermediate layer and resin layer (B) recited in the claims as surface layers (Examples 1-4), has a smaller bias

in thickness compared to the laminated sheets which use resin layer (A) and/or resin layer (B) but are outside of the claimed invention (i.e., the two-layer laminated sheet made from resin layer (A) and resin layer (B) (in Comparative Example 1); the laminated sheet using resin layer (B) as an intermediate layer and resin layer (A) as surface layers (in Comparative Example 2); the sheet of resin layer (A) alone (in Comparative Example 3) and the sheet of resin layer (B) alone (in Comparative Example 4), each having the same thickness as the total thickness of the three-layer resin sheet obtained in Example 4).

Such unexpected advantages would not have been foretold by Toyooka alone or, *arugendo*, in view of Tadokoro et al., or even *arguendo* in view of Koziumi et al. or Toritani et al. Therefore, the claimed invention would not have been obvious to a person of only ordinary skill in the art at the time Applicant made the invention.

Accordingly, Applicant earnestly solicits a Notice of Allowance.

Respectfully submitted,

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